



United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy St., Suite 300
Arlington, VA 22203

703-235-3750

703-235-8349 (fax)

March 31, 2017

IBLA 2017-135, <i>et al.</i>)	E14-001, <i>et al.</i>
)	
TGS, <i>ET AL.</i>)	Offshore Oil & Gas Exploration
)	Permit Denied
IBLA 2017-140)	
)	Motion to Consolidate Granted in
ION/GX TECHNOLOGY)	Part and Denied in Part; Extension
CORPORATION)	of Time Request Granted; Order to
)	Show Cause.

ORDER

TGS and the International Association of Geophysical Contractors (IAGC) (IBLA 2017-135), WesternGeco LLC and IAGC (IBLA 2017-136), CGG Services (U.S.) Inc. and IAGC (IBLA 2017-137), Spectrum Geo Inc. and IAGC (IBLA 2017-138), MultiKlient Invest AS and IAGC (IBLA 2017-139), and Ion/GX Technology Corporation (IBLA 2017-140) have appealed from January 6, 2017, decisions issued by the Bureau of Ocean Energy Management (BOEM). In those decisions, BOEM denied the appellants' respective permit applications to conduct airgun seismic surveys for oil and gas reserves on the Atlantic Outer Continental Shelf (OCS). BOEM denied the permit applications because it determined that geological and geophysical data on the Atlantic OCS using an airgun instrument was unnecessary. As a basis for its determination, BOEM relied on a January 5, 2017, memorandum issued by BOEM's Director. For the reasons set forth in that memorandum, the Director required the bureau to deny all pending applications to conduct airgun seismic surveys.

Motion to Consolidate Appeals

Counsel for appellants in IBLA 2017-135 through IBLA 2017-139 seeks consolidation of IBLA 2017-135 through IBLA 2017-140. Counsel states that the underlying decisions in these six appeals are all based on the BOEM Director's January 5, 2017, memorandum and therefore they should be considered together for final disposition. Counsel states that "IAGC, TGS, WesternGeco, CGG, Spectrum, and

MultiKlient would jointly file pleadings for their appeals, and [] Ion/GX would separately file pleadings related to its appeal.”

We grant counsel’s motion in part and deny it in part.¹ We agree that the appeals for which counsel represents appellants should be joined for final disposition and that counsel should file consolidated pleadings in the appeals for which he is counsel. However, we will not consolidate Ion’s appeal at this time because counsel has indicated that Ion intends to litigate its appeal independently from the other appeals. Consequently, we consolidate IBLA 2017-135 through IBLA 2017-139 and will refer to those appeals by the lead docket number, IBLA 2017-135, *et al.* The appeal docketed as Ion/GX Technology Corporation, IBLA 2017-140 remains unconsolidated.

Motion for an Extension of Time

Counsel for the consolidated appellants timely requests an extension of time to file a statement of reasons (SOR) until 30 days from when the BOEM compiles and transmits the administrative record (AR) to the Board. The extension is warranted, states counsel, because it will allow him sufficient time to review the AR and to prepare a comprehensive SOR. Counsel also represents that counsel for BOEM does not oppose the request.

We grant counsel’s request.² Appellants must file an SOR within 60 days from the date the Board receives the AR. Counsel may contact the Board for assistance in identifying that date.

Order to Show Cause

It is not apparent at this preliminary stage whether IAGC has standing to challenge BOEM’s January 6, 2017, decisions. To establish standing, an appellant must show that it meets two criteria. First, the appellant must demonstrate that it is a “party to a case,” and second, that it is “adversely affected” by the decision being appealed.³ It is the responsibility of the appellant to demonstrate both elements of standing. If either element is lacking, then we must dismiss the appellant from the appeal for lack of jurisdiction.⁴

¹ 43 C.F.R. § 4.404.

² 43 C.F.R. § 4.405(e).

³ 43 C.F.R. § 4.410(b) and (d); *see also* 30 C.F.R. § 590.2.

⁴ *Blue Mountains Biodiversity Project*, 188 IBLA 143, 146 (2016); *see Wildlands Defense*, 187 IBLA 233, 236-37 (2016).

We direct IAGC to show cause why the organization should not be dismissed as a party for lack of standing. IAGC must respond by April 20, 2017.

A handwritten signature in blue ink that reads "Silvia M. Riechel". The signature is written in a cursive style with a horizontal line underneath it.

Silvia M. Riechel
Administrative Judge

APPEARANCES:

Ryan Steen, Esq.
Stoel Rives LLP
600 University Street, Suite 3600
Seattle, WA 98101

ryan.steen@stoel.com

Teri Donaldson, Esq.
DLA Piper, LLP
1000 Louisiana Street, Suite 2800
Houston, TX 77002-5005

teri.donaldson@dlapiper.com

Pedro Melendez-Arreaga, Esq.
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, NW MS 5358
Washington, DC 20240

pedro.melendez-arrea@sol.doi.gov